

# Housing Rights of People with Mental Disabilities

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# Housing Rights Center Profile

- Nation's largest non-profit civil rights organization dedicated to securing and promoting fair housing
- HRC was founded in 1968, the same year Congress passed the Fair Housing Act
- Over the past ten years, HRC has assisted more than 300,000 residents

# Mental Health Advocacy Services Profile

- MHAS was established in 1977 to provide free legal services to people with mental and developmental disabilities.
- MHAS assists both children and adults by protecting rights and fighting discrimination.
- MHAS also serves as a resource to the community by providing training and technical assistance.

# Fair Housing Act (FHA)

- Who is protected?
- What is prohibited?
- Who must comply?

# Who Is Protected under the FHA?

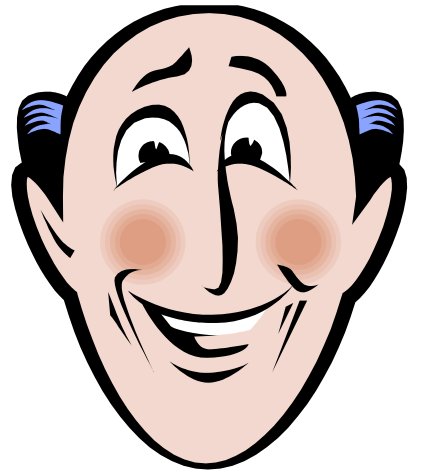
- **Race**
- **Color**
- **Religion**
- **Sex**
- **National Origin**
- **Familial Status**
- **Disability: Mental and/or Physical**



# What Is Prohibited Under the FHA?

- Refusal to sell or rent housing
- Refusal to negotiate for the sale or rental of housing
- Saying that housing is unavailable when it actually is available
- Applying different terms or rules

Sorry, nothing  
is available.



# What Is Prohibited Under the FHA?

- Refusal to grant a reasonable accommodation and/or modification for a person with a disability
- Discrimination based on association
- Discrimination based on perception of disability
- Threats, intimidation, harassment, coercion
- Steering
- Discriminatory statements or advertising
- Otherwise making housing unavailable

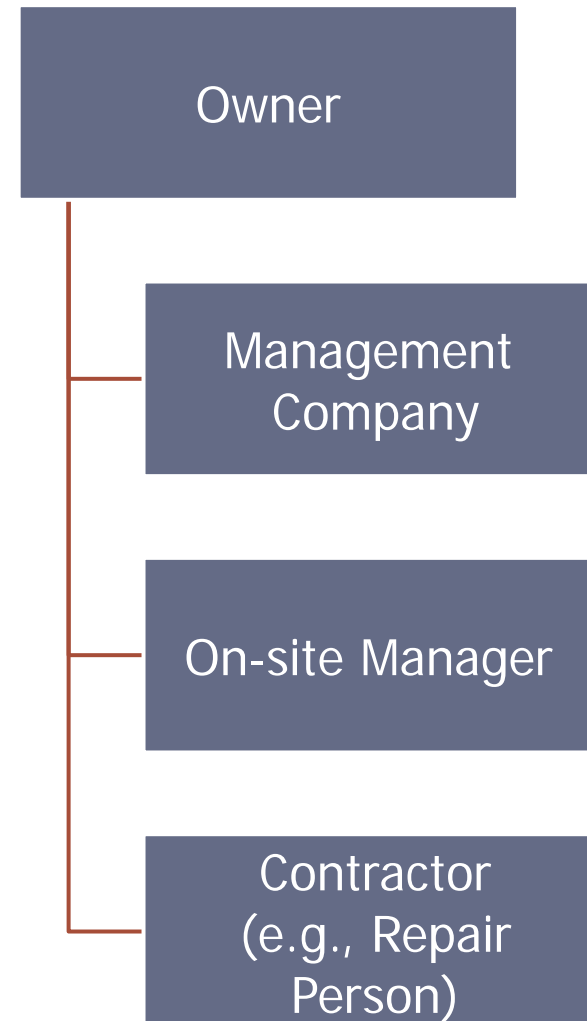
# Who Must Comply with the FHA?

- Owners and managers of:
  - Multi-family dwellings (apartments)
  - Condos
  - Single-family dwellings (houses)
  - Duplexes
  - Residential motels
  - Transitional shelters
  - Mobile Home Parks
  - Vacant Lots
- Exemptions



# Liability – Housing Providers

- Liability flows *upward*.
- “**I didn’t know**” is **NOT** a valid defense.



# CA Fair Employment & Housing Act (FEHA)

## **Additional Protected Classes:**

- Marital Status
- Ancestry
- Sexual Orientation
- Gender Identity
- Gender Expression
- Source of Income
- Genetic Information



## Other California Laws

- Cal. Civ. Code § 51 Unruh Civil Rights Act
- Cal. Civ. Code § 54 Disabled Persons Act

# HRC's Top 3 Reported Basis of Discrimination

1. Disability
2. Familial Status
3. Race

# Disability



# Disability

## Accommodation



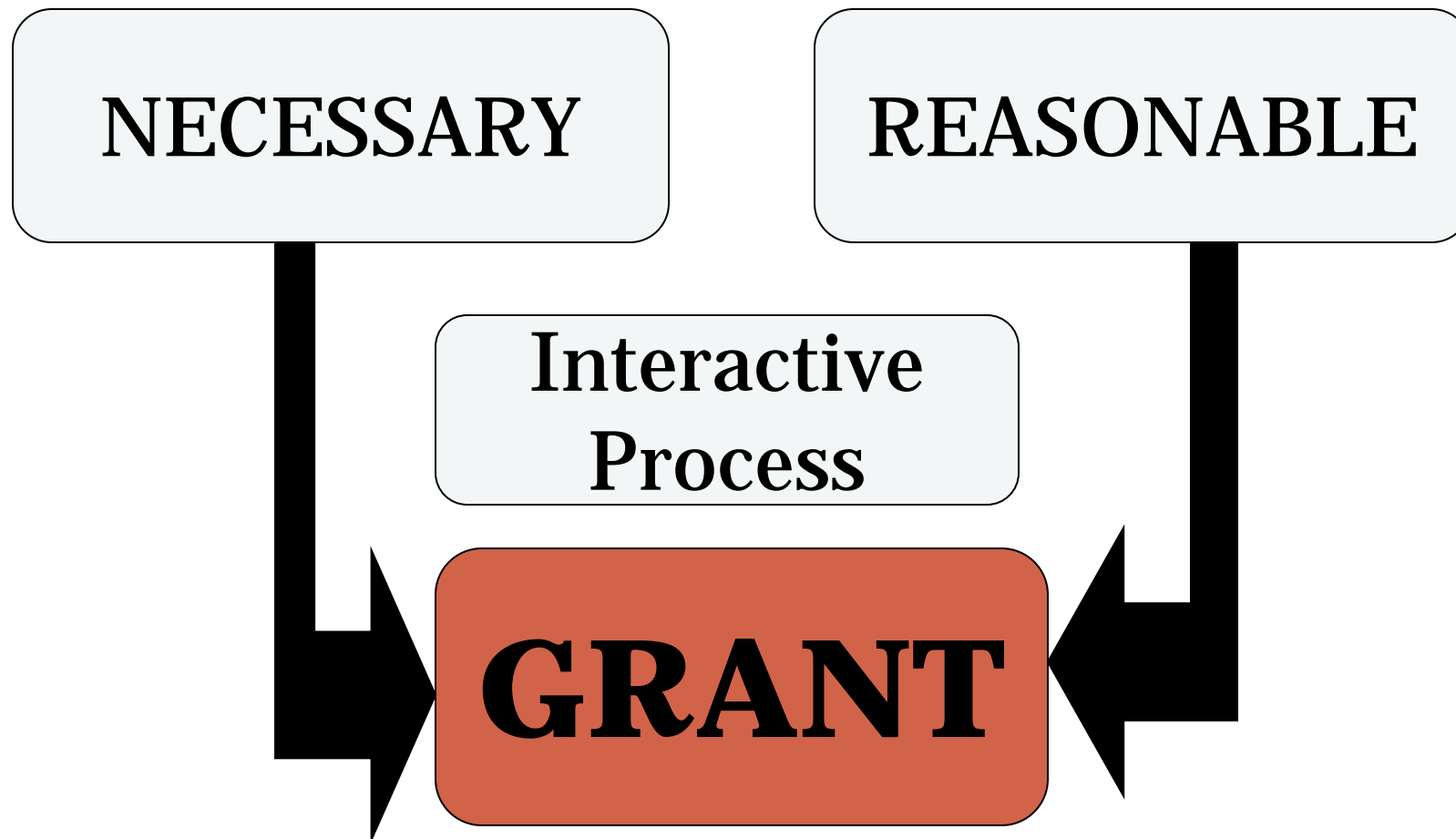
Rules

## Modification



Structure

# Disability Accommodations & Modifications





# What is “Necessary”?

- Enhances a tenant’s ability to enjoy a dwelling
- Frees a tenant from a rule or policy to enable a tenant to satisfy an essential element of tenancy

# What is “Reasonable”?

- Is not an undue financial or administrative burden to landlord
- Does not fundamentally alter landlord’s business



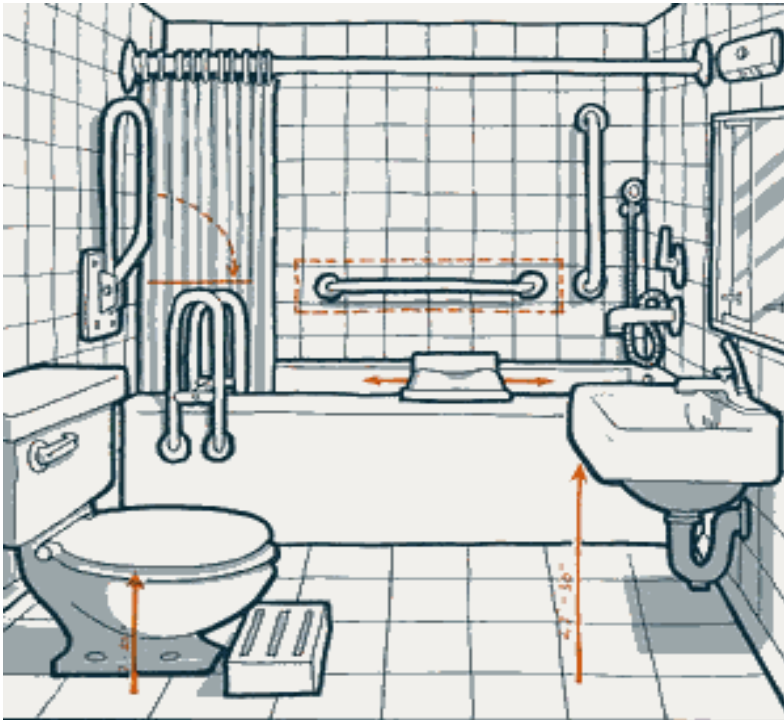
# What is an “Interactive Process”?

Landlord’s duty to engage with the tenant to determine if an accommodation or modification is possible, reasonable, and not unduly burdensome. The discussion between landlord and tenant may include possible alternative accommodations or modifications.

# Common Reasonable Accommodations

- Changing Rent Due Date
- Use of Service and Companion/Therapy Animals
- Parking space
- Transfer units
- Ending tenancy early or extending vacate date
- Live-in caregivers
- Rescind notice to terminate tenancy/dismiss UD

# Reasonable Modifications



# Rights & Responsibilities for Reasonable Accommodations and Modifications

- Can the landlord require the request in writing?
- Can the landlord ask what the disability is?
- Does the landlord need to waive the rule for everyone?
- Can the landlord charge extra rent or security deposit for the accommodation?

# Reasonable Modifications are not just for physical disabilities

- Reasonable modifications can be useful for tenants with mental health needs, for example:
  - Sound proofing walls of a bedroom to limit the nuisance from night terrors;
  - Allowing a tenant to install an air conditioner to offset the effects of psychotropic medication.

# Resource about Reasonable Accommodations & Modifications



**FOR MORE  
INFORMATION  
OR ASSISTANCE**

**PLEASE CALL**

**Housing Rights Center**

**(800) 477-5977**

**TTY (213) 201-0867**

**[www.housingrightscenter.org](http://www.housingrightscenter.org)**

**Mental Health Advocacy  
Services**

**(213) 389-2077**

**[www.mhas-la.org](http://www.mhas-la.org)**



# QUESTIONS & ANSWERS

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